

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

CASE NO.: 5:09-CR-216-8FL

UNITED STATES OF AMERICA	)	
	)	
vs.	)	MOTION TO SEVER
	)	AND/OR DISMISS
ZIYAD YAGHI,	)	
Defendant.	)	

Pursuant to Federal Rules of Criminal Procedure 8 (a) and 12(b), Defendant Ziyad Yaghi, through undersigned counsel, respectfully challenges Counts One and Two of the superseding Indictment as each count charges separate conspiracies in one count, and as such are duplicitous. To cure the defect, the Government should be required to try Defendants Yaghi and Omar Hassan separate from the other defendants or in the alternative, dismiss the two counts as to this Defendant.

The grounds for this motion and the supporting legal argument are set forth in Defendant Yaghi's Brief in Support of Motion To Sever and/or Dismiss.

Respectfully submitted this 20<sup>th</sup> day of August, 2010.

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### **CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that he has this day served a copy of the foregoing pleading upon the following parties to this case by depositing a copy of the same in the United States mail bearing sufficient postage or electronically as indicated:

Via CM/ECF to the following:

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